IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 24457 of 2002

Between:

P. Venkateswarlu, S/o. Devaji, aged 34 years,

Conductor (E.252997), APSRTC, Nagarkurnool Bus Depot,

Mahabubnagar District.

..... PETITIONER

AND

1. The Regional Manager, APSRTC,

Mahabubnagar Region at Mahabubnagar,

Mahabubnagar District.

2. The Depot Manager, APSRTC,

Nagarkurnool Bus Depot,

Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in deferring the petitioner's annual increment for a period of two years, which shall have effect on future increment is bad, arbitrary, illegal and against the principles of natural justice by setting aside the Order No.02/62(64)/97-NGKL, dated 15.4.1998 of Respondent No.2 herein and consequently direct the respondents to fix correct pay scale by adding the above said two increments by paying the arrears of salary.

Counsel for the Petitioner :MR.P.VENKATESWAR RAO

Counsel for the Respondent Nos.1 AND 2: MR.K.HARINATH

The Court made the following :

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 5868 of 2004

Between:

B.Nagaraju, S/o.Chandraiah Chary, Aged 49 years,
Conductor (E-1099609), APSRTC, Wanaparthy Bus Depot,

Mahabubnagar Dist.

..... PETITIONER

AND

1 The Depot Manager,APSRTC, Wanaparthy Bus Depot,

Mahabubnagar District.
2 The Regional Manager,APSRTC,

Mahabubnagar Region,Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondents in imposing the punishment of reducing the petitioner's basic pay by two incremental stages which shall have effect on petitioner's future increments as ordered in final order No 02/95(10)/97-WNP dated 8-7-1997 of Respondent No.1 herein and as confirmed by R2 herein in his Proc. dated 28-1-1998 as illegal, arbitrary, unjust, unreasonable and against the principles of natural justice and consequently set aside the same.

Counsel for the Petitioner :MR.P.VENKATESWAR RAO

Counsel for the Respondent Nos.1 and 2: MR.K.HARINATH

The Court made the following :

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 7482 of 2004

Between:

V.R.C.Reddy, S/oV.Krishna Reddy, Hindu, Aged 42 years,
Conductor (E-280965), APSRTC, Nagarkurnool Bus Depot,

Mahabubnagar Dist.

..... PETITIONER

AND

The Depot Manager, APSRTIC, Nagarkurnool Bus Depot,

Mahabubnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring that the action of the respondent in imposing the punishment of deferment of annual increments next fall of the petitioner deferred for a period of 2 years which shall affect on future increments as bad, arbitrary illegal, unjust and unreasonable and violative of principles of natural justice and contrary to the Judgments of this Hon'ble Court and also the Apex court by setting aside the final order No. 02/62(19)/ 97-NGKL dated 20-2-1998 of the respondent herein and consequently direct the respondent to add the deferred increments and pay the arrears.

Counsel for the Petitioner :MR.P.VENKATESWAR RAO

Counsel for the Respondent: MR.K.HARINATH

The Court made the following :

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 8737 of 2004

Between:

Showkat Ali S/o Mansoor Ali, Aged 35 years,

Conductor (E-280281) APSRTC, Gadwal Bus Depot,

Mahabubnagar District

..... PETITIONER

AND

1 The Regional Manager , APSRTC

Mahabubnagar Regiona at Mahabugnagar.
2 The Depot Manager , APSRTC,

Gadwal Bus Depot, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in imposing the punishment of deferment of annual increments next fall of petitioner deferred for a period of 2 years which shall effect on future increments is bad, arbitrary, illegal, unjust and unreasonable and violative of principles of natural justice and contrary to the Judgments of this Hon'ble court and also apex court by setting aside the final order No. 02/95(96)/95-GDWL dt. 27/07/1995 of R2 and also the consequential order dt. 19/07/1997 of R1 herein and consequently direct the respondents to add the deferred increment and pay the arrears.

Counsel for the Petitioner :MR.P.VENKATESWAR RAO

Counsel for the Respondent Nos.1 & 2: MR.K.HARINATH (SC FOR APSRTC)

The Court made the following :

COMMON ORDER:

Since all these writ petitions arise out of same cause of action, these writ petitions are taken up for final disposal by a common order.

Questioning the punishment of deferment of annual increments, which falls next due for a period two years vide different proceedings of the respondents, the petitioners filed these writ petitions separately.

The issue raised in these writ petitions squarely covered the judgment of this Court in W.P. No.10994 of 2004 dated 1.7.2004. In the said case, the respondents have passed impugned proceedings imposing punishment of one increment with cumulative effect and the same was confirmed in the appeal. This Court considering that aspect, interfered with the punishment and held that imposing penalty of stoppage of one increment with cumulative effect, is major penalty, which cannot be imposed without conducting regular departmental enquiry as per the Regulations of the APSRTC.

There is no dispute that the punishment imposed in all these writ petitions is a major punishment, and therefore, the respondents cannot impose such a major

punishment without conducting enquiry. Accordingly, the impugned orders in all the writ petitions are liable to be set aside and the matters are liable to be remitted back for conducting necessary enquiry.

But, the learned counsel appearing for the petitioner submits that the punishment imposed by the respondents can be modified as 'without' cumulative effect.

Having regard to the facts and circumstances of the case, the punishment of deferment of two increments with cumulative effect is modified into punishment of deferment of two annual increments without cumulative effect.

Accordingly, these writ petitions are disposed of. No order as to costs.

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V. ESWARAIAH, J.

Date : JULY 27, 2004.

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

WP NO.24457 of 2002

1. The Regional Manager, APSRTC,

Mahabubnagar Region at Mahabubnagar,

Mahabubnagar District.

2. The Depot Manager, APSRTC,

Nagarkurnool Bus Depot,

Mahabubnagar District.

WP No.5868 of 2004

-

1 The Depot Manager,APSRTC, Wanaparthy Bus Depot,

Mahabubnagar District.
2 The Regional Manager,APSRTC,

Mahabubnagar Region,Mahabubnagar.

WP No.7482 of 2004

-

The Depot Manager, APSRTlC, Nagarkurnool Bus Depot,

Mahabubnagar District.

WP No.8737 of 2004

-

1 The Regional Manager , APSRTC
Mahabubnagar Regiona at Mahabugnagar.
2 The Depot Manager , APSRTC,

Gadwal Bus Depot, Mahabubnagar District.

3. Two CD copies.